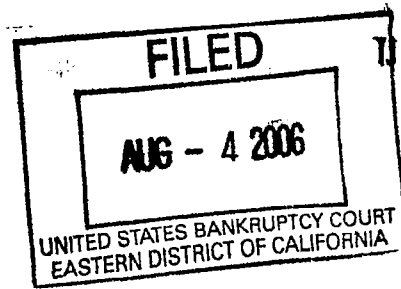


(4)



UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA

In re	)	Case No. 05-33669-C-7
DOUGLAS RON EATTOCK,	)	MC No. MOH-1
Debtor.	)	

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**FINDINGS OF FACT AND CONCLUSIONS OF LAW  
ON MOTION TO AVOID LIEN**

These findings of fact and conclusions of law are rendered in this contested matter pursuant to Federal Rule of Civil Procedure 52 as incorporated by Federal Rules of Bankruptcy Procedure 7052 and 9014. Evidence was taken pursuant to Federal Rule of Civil Procedure 43(e), as incorporated by Federal Rule of Bankruptcy Procedure 9017 and as invoked by Local Bankruptcy Rule 9014(e).

Jurisdiction

Jurisdiction is founded upon 28 U.S.C. § 1334. This is a core proceeding. 28 U.S.C. § 157(b)(2)(K).

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2 Findings of Fact

3 On June 2, 2006, the debtor filed a motion requesting  
4 that this court avoid a judgment lien in favor of Crandell  
5 White and Natividad Baines ("creditors") because the lien  
6 impairs the debtor's homestead exemption. The lien attaches to  
7 the debtor's residence at 10424 Cohasset Road, Chico,  
8 California ("the property"). The debtor properly served notice  
9 and creditors did not file an opposition. A hearing was  
10 scheduled July 18, 2006, to consider the motion. The motion  
11 was then continued and scheduled to be heard on August 29,  
12 2006. On July 27, 2006, debtor filed a motion to renew the  
13 motion ex parte. Upon review of the record, the court  
14 determined that the written record was adequate and that no  
15 oral argument was necessary.

16 Debtor scheduled the property at a value of \$72,000.  
17 Other liens in the approximate amount of \$28,207.74 are the  
18 subject of other motions to avoid liens.

19 The debtor's motion claims that the lien in favor of  
20 Crandell White and Natividad Baines impairs debtor's homestead  
21 exemption. Debtor claimed the property as exempt for \$75,000.  
22

23 Conclusions of Law

24 A debtor may avoid the fixing of a lien on an interest  
25 of the debtor in property to the extent that the lien impairs  
26 an exemption that is properly claimed and to which there is no  
27 objection. 11 U.S.C. § 522(f)(1). The record reflects that  
28

1 the lien in favor of Crandell White and Natividad Baines  
2 impairs an exemption to which the debtor is entitled.

3 The motion will therefore be granted. An appropriate  
4 order will issue.

5  
6 Dated: August 4 , 2006

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10 UNITED STATES BANKRUPTCY JUDGE  
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CERTIFICATE OF SERVICE

On the date indicated below, I served a true and correct copy(ies) of the attached document by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed and by depositing said envelope in the United States mail or by placing said copy(ies) into an interoffice delivery receptacle located in the Clerk's Office.

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Office of the United States Trustee  
United States Courthouse  
501 "I" Street, Suite 7-500  
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Dated: 8/7/06

  
Deputy Clerk